


**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

NATALIE SOTO,
Plaintiff,
v.
WENDELL HOLMES, JR.,
Defendant.

**FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta**

DEC 03 2024

KEVIN P. WEIMER, Clerk
By:  Deputy Clerk

CIVIL ACTION FILE NO.: 1:24-cv-02911-SDG

DEFENDANT'S PORTION OF PRELIMINARY REPORT AND DISCOVERY PLAN

Defendant Wendell Holmes, Jr. ("Defendant"), by and through undersigned counsel, respectfully submits this Defendant's Portion of the Preliminary Report and Discovery Plan pursuant to Local Rule 16.2.

1. Description of Case

(a) Nature of the Action

Defendant denies Plaintiff's allegations and asserts that the claims under 15 U.S.C. § 6851 are factually and legally without merit.

(b) Summary of Facts

Defendant denies the allegations in Plaintiff's Complaint, specifically that he disclosed any intimate visual depictions of Plaintiff without her consent. Defendant contends that Plaintiff's claims are based on speculative and circumstantial evidence and fail to establish that he acted knowingly or with reckless disregard. Further, Defendant asserts that any alleged third-party communications referenced by Plaintiff were not made or authorized by him.

(c) Legal Issues to Be Tried

1. Whether Defendant disclosed intimate visual depictions of Plaintiff in violation of 15 U.S.C. § 6851.
2. Whether Defendant acted knowingly or with reckless disregard in any alleged disclosure.
3. Whether Plaintiff suffered damages and, if so, the extent thereof.
4. Defendant's defenses, including lack of evidence, consent, or third-party interference.

2. Related Cases

(a) Pending Related Cases: None.

(b) Previously Adjudicated Related Cases: None.

3. Complexity of the Case

This case is not complex, but an extended discovery period is appropriate due to the anticipated need for evidence from electronic devices and records, which may involve technical challenges in data retrieval and authentication.

4. Counsel

Defendant's Counsel:

[N/A]

5. Jurisdiction

No challenge to this Court's jurisdiction at this time.

6. Parties

(a) Necessary Parties: None identified at this time.

(b) Improperly Joined Parties: None identified.

7. Amendments to the Pleadings

Defendant reserves the right to amend pleadings as discovery reveals additional facts.

8. Filing Times for Motions

Defendant intends to file:

1. A motion to dismiss, if appropriate, upon further review of the pleadings.
2. Motions to compel, if necessary, before the close of discovery.
3. Summary judgment motion within 30 days of the close of discovery.

9. Initial Disclosures

Defendant will serve initial disclosures as required by Fed. R. Civ. P. 26(a)(1) and reserves all objections to the scope and relevance of any disclosures.

10. Discovery Period

Defendant agrees to a six-month discovery track to allow sufficient time for the following:

1. Examination of Plaintiff's social media posts, communications, and evidence supporting her claims.

2. Retrieval and analysis of electronic records, including metadata, to establish or refute the alleged disclosures.

3. Depositions of Plaintiff and any third-party witnesses, including Dawn Douglas.

11. Discovery Limitations and Electronically Stored Information (ESI)

(a) No changes to the limitations on discovery under the Federal or Local Rules are necessary at this time.

(b) Defendant seeks discovery of electronically stored information (ESI), including:

1. Communications between Plaintiff and any third parties regarding the allegations.

2. Metadata and forensic evidence to establish the chain of custody and origin of alleged disclosures.

Defendant requests that ESI be produced in native format with accompanying metadata to ensure accuracy and completeness.

12. Other Orders

Defendant may request a protective order to ensure the confidentiality of sensitive information disclosed during discovery.

13. Settlement Potential

Defendant contends that this case may resolve more effectively following completion of discovery.

14. Trial by Magistrate Judge

Defendant does not consent to trial before a magistrate judge.

Respectfully submitted this 2nd day of December, 2024.